

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EMANUEL LEONARD FINCH, SR,

Plaintiff,

v.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF  
WASHINGTON AT TACOMA,

Defendant.

CASE NO. 19-6131 RJB-TLF

ORDER DENYING MOTION

THIS MATTER comes before the Court on the Plaintiff's Motion for Refund of Filing Fee. Dkt. 13. The Court has considered the pleadings filed regarding the motion and the remaining file.

The Plaintiff, a pro se prisoner, filed this civil rights case and application to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. §1915 on November 25, 2019. Dkt. 1. His application to proceed IFP was granted. Dkt. 7. The Plaintiff later moved to voluntarily dismiss his case. Dkt. 10. The motion was granted, the case was dismissed and closed. Dkt. 12. The

1 Plaintiff now moves for a refund of his filing fee in this case. Dkt. 13. The Plaintiff also asserts  
2 that he has overpaid \$11.00 in *Finch v. Graham*, U.S. District Court for the Western District of  
3 Washington case number 3:15-cv-5305 RBL (“*Graham*”). *Id.*

4 **Refund of Filing Fee in this Case.** “Under 28 U.S.C. § 1915, prisoner litigants are  
5 required to pay court filing fees, although financially qualified prisoners may pay the fees in  
6 increments.” *Williams v. Paramo*, 775 F.3d 1182, 1185 (9th Cir. 2015).

7 The Plaintiff’s motion for a refund of his filing fee (Dkt. 13) should be denied. The  
8 Plaintiff filed this case. His decision to later voluntarily dismiss it does not relieve him of the  
9 obligation to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1)(“if a prisoner brings a civil action or  
10 files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing  
11 fee”). His motion should be denied.

12 **Alleged Overpayment of \$11.00 in *Graham*.** A separate order will be entered in that  
13 case.

14 **IT IS SO ORDERED.**

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
16 to any party appearing *pro se* at said party’s last known address.

17 Dated this 7<sup>th</sup> day of December, 2020.

18 

19 ROBERT J. BRYAN  
20 United States District Judge